

Remarks

The Advisory Action mailed 8/18/05 indicated that claims 1-9, 11-13 and 25 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims. Accordingly, these claims are presented herein.

The Advisory Action also indicated that if proposed claims 106-109 and 131-136 were limited to the *vap-1* regulatory region of the *C. elegans vap-1* gene, the rejection would be overcome. The claims have been amended accordingly.

The Advisory Action maintained the rejections of claims 46-53 and rejected proposed claim 143 under 35 U.S.C. § 112 for lack of written description and as including new matter. The rejections were discussed during the phone interview on 9/1/05, at which time it was pointed out that the claims do not require prior knowledge of any particular nematode secretory product gene or prior knowledge of the regulatory region of the *C. elegans* gene that is used to generate the transgenic nematode. Instead, the steps of the claim involve identifying the regulatory element. It is noted that the sequence of the regulatory region does not need to be known in order to perform the steps of the claim. The Examiner acknowledged that each step of claim 46 was adequately described and indicated that the rejection for lack of written description would be withdrawn.

It was also pointed out during the interview that the specification and original claims, e.g., the disclosure of paragraphs 121-122 of the published application (beginning at p. 53, line 20) of the specification as filed) taken together with original claims 26, 28, and 30, clearly describe transgenic nematodes that comprise a regulatory region of a secretory product linked to coding sequence for a detectable marker that is expressed in the pharyngeal gland or amphid sheath. In addition, paragraph 10 teaches that the preferred transgenic nematode is a *C. elegans* nematode and the regulatory region is from a *C. elegans* gene homologous to a gene of a parasitic nematode that encodes a secretory product, as recited in original claim 46. The Examiner agreed that the specification and original claims supported amended claim 46 but noted that the original specification lacked proper antecedent basis for original claims 26, 28, and 30. The undersigned agreed to amend the specification to provide antecedent basis for original claims 26, 28, and 30. The specification has accordingly been amended by adding the subject matter as a second sentence in paragraph 121 of the published application (beginning at p. 53,

line 10 of the specification as filed), in accordance with the Examiner's suggestion. Applicants also note that original claim 54, which is dependent on claim 46 recites that the regulatory region directs expression of the nucleic acid of step (d) so that the nucleic acid is expressed in a pharyngeal gland cell or an amphid sheath cell, thus clearly teaching the embodiment currently claimed in claim 46.

The Examiner also indicated that the proposed amendment to claim 46 was not necessary, and the amendment has therefore been removed.

Claims 10, 15-35, 110-130, and 137-142 have been canceled.

#### Claim amendments and new claim

Claim 47 has been amended to recite that the parasitic nematode is a member of an order selected from the group consisting of the *Strongylida*, *Rhabditida*, *Ascaridida*, *Spirurida*, *Oxyurida*, *Enoplida*, *Tylenchida*, or *Dorylaimida* nematode orders. Support for the amendment is found in original claim 16.

New claim 143 is dependent on claim 46 and recites that the parasitic nematode is a member of a genus selected from the list consisting of the *Haemonchus*, *Oestertagia*, *Trichostrongylus*, *Cooperia*, *Dictyocaulus*, *Strongylus*, *Oesophagostomum*, *Syngamus*, *Nematodirus*, *Heligmosomoides*, *Nippostrongylus*, *Metastrongylus*, *Angiostrongylus*, *Ancylostoma*, *Necator*, *Uncinaria*, *Bunostomum*, *Strongyloides*, *Steinernema*, *Ascaris*, *Parascaris*, *Toxocara*, *Toxascaris*, *Baylisascaris*, *Anisakis*, *Pseudoterranova*, *Heterakis*, *Wuchereria*, *Brugia*, *Onchocerca*, *Dirofilaria*, *Loa*, *Thelazia*, *Dracunculus*, *Gnathostoma*, *Enterobius*, *Oxyuris*, *Syphacia*, *Trichinella*, *Trichuris*, *Capillaria*, *Globodera*, *Heterodera*, *Meloidogyne*, *Anguina*, *Ditylenchus*, *Hirschmanniella*, *Nacobus*, *Pratylenchus*, *Radopholus*, *Criconema*, *Tylenchulus*, *Paratylenchus*, *Aphelenchus*, *Bursaphelenchus*, *Longidorus*, *Xiphinema*, *Trichodorus*, and *Paratrichodorus* nematode genera. Support for the amendment is found in original claim 17.


The Examiner indicated during the phone interview on 9/1/05 that claims 47 and 143 would be allowable.

In conclusion, in view of the amendments and remarks presented herein, the application and pending claims comply with the requirements of 35 U.S.C. §112. Applicants therefore respectfully submit that the present case is in condition for allowance. A Notice to that effect is respectfully requested.

If, at any time, it appears that an additional phone discussion would be helpful in resolving any further issues that may arise, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner's convenience. The undersigned can be contacted at (617) 248-5000 or (617) 248-5071 (direct dial).

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Respectfully submitted,



Monica R. Gerber  
Registration Number 46,724

Date: September 20, 2005

Choate, Hall & Stewart, LLP  
Two International Place  
Boston, MA 02109  
(617) 248-5000 (x 5071)

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